

'362 application). The '362 application was filed on the **same day by the same inventors** as U.S. Patent Application 08/962,515 that issued as the Kambe patent. Therefore, if the '362 application supports the present claims, the Kambe patent is not prior art because the present application has **the filing date of its parent application**. The Kambe patent has almost identical disclosure regarding the production of zinc oxide particles as the '362 application. The present application claims priority to its parent application, which supports the present claims. Since the parent application supports the present claims, the Kambe patent is not prior art, and the rejection must be withdrawn. A copy of the parent '362 application is attached.

Since the Kambe patent is not prior art, the claims are not anticipated. Applicants respectfully request withdrawal of the rejection of claims 1-5, 7-9 and 25-29 under 35 U.S.C. §102(e) as being anticipated by the Kambe patent.

Rejection of Claim 30

The Examiner rejected claim 30 under 35 U.S.C. §103(a) as being unpatentable over the Kambe patent in view of U.S. Patent 5,770,113 to Iga et al. (the Iga patent). The Examiner cited the Kambe patent for disclosing the claimed invention except for the inclusion of  $\text{Bi}_2\text{O}_3$ . The Examiner cited the Iga patent for disclosing zinc oxide powders including  $\text{Bi}_2\text{O}_3$ . However, the parent '362 application establishes that the inventors invented the subject matter in the Kambe patent prior to the filing of the application that issued as the Kambe patent. Thus, the Kambe patent is not prior art under 35 U.S.C. §102(e). Since the Kambe patent is not prior art, claim 30 is not rendered obvious by the cited prior art. Applicants respectfully request withdrawal of the rejection of claim 30 under 35 U.S.C. §103(a) as being unpatentable over the Kambe patent in view of the Iga patent.

CONCLUSIONS

In view of the above amendments and remarks, Applicants submit that this application is in condition for allowance, and such action is respectfully requested. The Examiner is invited to telephone the undersigned attorney if the Examiner has any questions or comments.

The Director of the Patent and Trademark Office is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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